

### **REMARKS**

This Response is submitted in reply to the Office Action mailed on November 7, 2006. Applicant wishes to thank the Examiner for the careful consideration displayed in the Office Action.

Claims 1-17, and 19-49 are pending in this application. Claim 18 has been canceled. Claims 46-49 are new. No new matter has been added by any of the amendments made herein or newly presented claims.

#### **35 U.S.C. §101**

Claims 1-28 and 30-45 stand rejected as having no tangible embodiment or concrete or tangible result.

Claim 1 is rejected for failing to include limitations of the preamble in the body of the claim. Claim 1 has been appropriately amended to require "predetermined criteria related to trustworthiness of Internet sites." Claim 16 has been amended to be dependent from claim 1. Accordingly, it is believed that this rejection is overcome for claim 1 and its dependent claims 2-28.

Claim 30 is rejected as it is not clear what the usefulness of the result is, as the result is not communicated. Claim 30 has been appropriately amended to require the step of "permitting display of the Internet site in an Internet browser based on the analytical result." As claimed in dependent claims, examples of the utility of this are that a search list can be presented based on the analytical result and a site may be displayed based on the search list ranking, or that an Internet site can be excluded for failing to have a minimum score for the analytical result. In light of the amendments made to claim 30, it is believed this rejection is overcome for claim 30 and its dependents.

35 USC §112

Though not rejected, a number of claims have been amended at points to provide a form more preferred under patent practice. For instance, the preamble to claim 1 has been amended from “anticipating the trustworthiness” to “anticipating a trustworthiness.”

Claims 2-15, 17-28, and 31-45 stand rejected as failing to particularly point out and distinctly claim the subject matter.

Claims 4-13, 19, and 34-43 stand rejected as being incomplete for omitting essential steps. Specifically, claims 4, 19, and 34 disclose an “if” limitation. It is believed that this rejection would more properly be termed an objection not related to patentability. That is, it is clear that a failure to satisfy the “if” limitation would not result in points not awarded, and limitations to state such are unnecessary. Nonetheless, appropriate amendment has been made as suggested by the Office Action for the form of the claim to clarify the limitations such that the “if” limitation is removed, and the step includes “awarding numerical points for each criterion the Internet site complies with.” Claims 19 and 34 have been similarly amended. Therefore, it is believed that this rejection is overcome for each of these claims, and for any claims dependent therefrom.

Claims 4, 24, and 30 stand rejected due to “privacy statement” being a relative term. While it is acknowledged that a privacy statement may vary from one Internet site to another, the presently claimed invention does not require the exact terms or provisions thereof to be analyzed. It is only determining if a privacy statement exists or not. It should be noted that an electronic mail address should vary from site to site, as well as postal address, telephone number, etc. The concept and term of a privacy statement are well-understood to one skilled in the art. For these

reasons, the term itself is not indefinite, and the claim is not rendered indefinite due to the limitation.

Claim 12 stands rejected due to “popularity” being a relative term. In the field of art, popularity would be understood to mean the number of unique visitors, the frequency of page hits, the total number of visitors, the total number of dollars spent per person, and/or a variety of other characteristics. In fact, from the specification it is clear that the term “popularity” relates to definable characteristics “as assessed by the amount of traffic going to the Internet site.” Para. 0019. Nonetheless, appropriate amendment has been made that is not believed nor intended to narrow the scope of the claim. Specifically, the term “popularity” has been deleted and the term “traffic ranking” has been substituted. Therefore, any rejection based on this is believed to be overcome for claim 12.

Claims 2-15, 17-28, and 31-45 are rejected for the use of a phrase beginning “wherein . . .” utilized in a method claim. Appropriate amendment has been made, and the rejection for each claim is believed to be overcome.

#### Double Patenting

Claims 31, 32, 33, 44, and 45 are objected to as substantial duplicates of claims 1, 2, 3, 14, and 15, respectively. Each of claims 31, 32, 33, 44, and 45 are dependent from claim 30. As amended, claim 30 includes limitations not presented in claim 1, from which claims 2, 3, 14, and 15 depend. Therefore, the scope of each respective claim pair is different, and withdrawal of this objection is requested.

35 USC §102

While the Office Action states claims 1, 16, 29, and 34 are rejected under §102, claim 34 is not an independent claim, and Applicant has assumed that the intent of the Examiner was for claim 30 to be included within such rejection. Each of these claims is rejected as being anticipated by U.S. Patent No. 6,523,027, to Underwood. As amended, each of the independent claims 1, 29, and 30 include limitations not taught, suggested, or otherwise made obvious by Underwood.

It is noted with appreciation that claims 4-13, 19, and 34-43 are rejected under §102 only to the extent of being dependent from rejected base claims, and the Office Action finds these allowable if amended to overcome the non-prior art issues, discussed above. However, it is also noted that claims 4, 13, and 19 are rejected under §102. Therefore, it is unclear which claims would be allowable if rewritten to overcome the §101 and §112 rejections.

The Underwood reference includes 111 drawing sheets having 157 drawings, 346 columns of text, and a 5 page Certificate of Correction. It is clear that the Examiner has a strong grasp of the content of the reference. It is therefore requested that, and would be much appreciated if, any further use of this patent were to include more precise references to assist the Applicant in finding that to which the Examiner is attempting to draw attention. (*See e.g.* MPEP 8<sup>th</sup> Ed., §707.07(d) (2006)).

Underwood is directed towards an interface between Internet servers. Various protocols may be utilized to check for a variety of events and conditions, but these are related to the operability or error-free operation of the system as an entirety. Underwood seeks to discuss and provide advice to system administrators, programmers and the like on designing, constructing, maintaining, and troubleshooting hardware and software systems. There is little, if any,

meaningful discussion related to an Internet user's interaction, let alone communicating to an Internet user an analytical result relating to the trustworthiness of an Internet site, as required by each independent claim of the present application.

Claim 1, as amended, requires "predetermined criteria related to trustworthiness of Internet sites," "dynamically analyzing the content" of the Internet site for the criteria, "creating an analytical result as an indicator of trustworthiness of the Internet site based on the amount" of the trustworthiness criteria, and "communicating to an Internet user the analytical result."

Prior to amendment, claim 1 did not positively recite limitations related to trustworthiness outside of the preamble. It is clear from the specification that the "trustworthiness" is directed towards a concept of consumer protection or Internet user safety, such as avoiding scams, credit card fraud, and the like, or protecting people such as by using secure socket layer encryption, known to prevent practices known as sniffing or snooping.

Underwood does not disclose or discuss "trustworthiness" in the consumer fraud sense, instead discussing unauthorized access in the form of hacking, or reliability of systems. At no place does Underwood describe many of the limitations of claim 1. For instance, Underwood does not teach predetermined criteria related to trustworthiness of an Internet site for a visitor. Underwood does not teach, in any way shape or form, analysis of the content of an Internet site. There is no teaching of dynamic analysis of the content as it relates to the trustworthiness criteria, no teaching of forming an analytical result, let alone a result that can be communicated to an Internet user. For at least these reasons, Underwood does not and cannot anticipate or make obvious claim 1, or any claims dependent therefrom.

To address the other independent claim directed toward a method, claim 30 is similar to claim 1 and requires "a predetermined set of criteria related to trustworthiness," "analyzing the

content of” an Internet site with respect to compliance with the criteria, “creating an analytical result” based on the criteria, and permitting display of the Internet site in a browser “based on the analytical result.” In addition to the comments above, nowhere does Underwood teach displaying *anything* in an Internet browser based on an analytical result, regardless of what the analytical result is directed towards. For this reason, and for the reasons above, Underwood fails to anticipate or make obvious claim 30, as amended, or any claims dependent therefrom.

Amended claim 29, the only presented system claim, requires “a numerical point system” that has “number point values assigned” to the trustworthiness criteria. These limitations clearly are not shown or discussed in the Underwood patent.

Newly presented claims 46-49 are also believed patentable over the prior, at least by virtue of dependence from claim 30, which is believed allowable.

As a final note, some of the remaining claims have been broadened by amending their respective claim dependence.

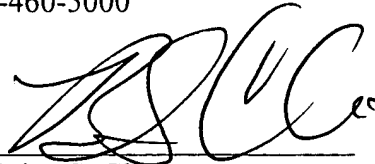
In light of the above, Applicants respectfully submit that claims 1-17, and 19-49 are patentable over the art of record because the cited art does not disclose, teach or suggest all the elements of the claimed invention. Accordingly, Applicants respectfully request these claims be deemed allowable at this time and that a timely Notice of Allowance be issued in this case.

If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (35041-400300) on the account statement.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read "BSC", written over a horizontal line.

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